

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

BARBARA JEAN BOHMER,

Petitioner,

v.

CIVIL ACTION NO. 5:23-cv-00112

KILOLO KIJAKAZI,

Acting Commissioner of Social Security

Respondent.

ORDER

Pending are Petitioner's Brief in support of her complaint [ECF 12] filed, July 5, 2023, and Respondent's Brief in Support of Respondent's Decision [ECF 15] filed, August 31, 2023. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Aboulhosn filed his PF&R on September 22, 2023. [ECF 16]. Magistrate Judge Aboulhosn recommended that the Court deny Petitioner's request for remand, grant the Respondent's request to affirm the final decision, affirm the final decision of the Acting Commissioner and dismiss this matter from the Court's docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's

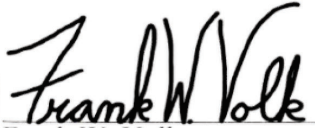
right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on October 6, 2023. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 16], **GRANTS** the Respondent’s request to affirm the final decision, **AFFIRMS** the final decision of the Acting Commissioner and **DISMISSES** the Complaint [ECF 2], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: November 22, 2023




Frank W. Volk
United States District Judge